

INCOMING TELEGRAM

Department of State

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Action

Control: 18526

Rec'd: MAY 28, 1959  
10:58 AMEUR  
Info

FROM: BERLIN

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TO: Secretary of State

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NO: 1004, MAY 28, 2 PM

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SENT DEPARTMENT 1004, BONN 893, GENEVA 38, REPEATED INFORMATION  
LONDON 198, PARIS 241, MOSCOW 302, POLAD USAREUR UNNUMBERED

GENEVA FOR HILLENBRAND

PARIS FOR EMBASSY, USRO, CINCEUR THURSTON &amp; WEST

ON MAY 27 MAYOR BRANDT GAVE MISSION OFFICER FOLLOWING WRITTEN  
COMMENTS ON WESTERN BERLIN PROPOSALS. HE EMPHASIZED THESE  
PRELIMINARY AND INFORMAL.

BEGIN TEXT

1. IT IS VITAL THAT FIRST STEP, WHICH RELATES TO BERLIN,  
OF WESTERN PEACE PACKAGE NOT RPT NOT BE SEPARATED FROM FURTHER  
STEPS OF THE PLAN. CONNECTION WITH SOLUTION OF GERMAN QUESTION  
MUST BE MAINTAINED; ESTABLISHMENT OF A THIRD STATE ON GERMAN  
TERRITORY MUST NOT RPT NOT BE AIM OF WESTERN POLICY.

2. SHOULD A SOLUTION OF BERLIN QUESTION BE ARRIVED AT ALONG  
LINES SECRETARY HERTER'S MAY 26 PROPOSAL IT MUST BE CLEARLY  
ESTABLISHED THAT ORGANS RESPONSIBLE FOR ALL-BERLIN MUST HAVE  
POWER TO MAKE DECISIONS ON QUESTION OF BERLIN'S ADHERENCE  
TO WEST GERMAN LEGAL, CURRENCY, AND ECONOMIC AREA. UNTIL  
THESE ORGANS ARE ESTABLISHED THERE MUST BE NO CHANGES CONCERNING  
WEST BERLIN'S ADHERENCE (ZUGEHÖRIGKEIT) TO FEDREP AND AREA  
OF DM WEST.

3. IN WEST BERLIN IT WAS LEARNED WITH CONCERN THAT AT GENEVA  
FRENCH FOREIGN MINISTER HAS PROPOUNDED THESIS THAT WEST BERLIN  
DOES NOT BELONG LEGALLY TO FEDREP. WE MUST ASK THAT EXISTING  
GERMAN CONSTITUTIONAL FACTS (MISSION COMMENT: I.E. ARTICLE

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No reply received  
3/9/60  
Mr. Vagstadman / Gek

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23 OF BASIC LAW RE APPLICATION FEDREP CONSTITUTION IN BERLIN AND OTHER CONSTITUTIONAL PROVISIONS) BE GIVEN CONSIDERATION AS WELL AS WELL KNOWN LEGAL SITUATION WITH RESPECT OCCUPATION RIGHTS. OTHERWISE DANGER WOULD EXIST THAT SOVIET AND EAST GERMAN SIDE DERIVE BENEFITS FROM THESE INTERPRETATIONS OF BERLIN STATUS.

4. AS FAR AS QUESTION OF BERLIN COMMUNICATIONS IS CONCERNED, DISCUSSION OF WHICH MUST BE ANTICIPATED, WE HOPE THAT NECESSARY ATTENTION WILL BE PAID TO MATTER OF INTRA-GERMAN CIVIL COMMUNICATIONS AND THAT ALL POSSIBLE EFFORTS WILL BE MADE TO ARRIVE AT ADDITIONAL SAFEGUARDS IN THIS FIELD. IN THIS CONNECTION IT MUST BE REMEMBERED THAT PARTICULAR DIFFICULTIES RE TRAVEL WERE IMPOSED IN 1952, I.E. THOSE CONCERNING TRAVEL OF WEST BERLIN RESIDENTS TO SOVIET-OCCUPIED ZONE.

5. UNDER EXISTING CIRCUMSTANCES A FURTHER LIMITATION ON STRENGTH OF ALLIED TROOPS IN BERLIN SHOULD NOT BE CONSIDERED.

6. IN FIELD OF PROPAGANDA AND SUBVERSIVE ACTIVITY IT URGENTLY RECOMMENDED THAT WESTERN POWERS ASSUME COUNTER OFFENSIVE AND CLEARLY IDENTIFY EAST BERLIN AS WHAT IT IS, I.E. ONE OF STRONGEST CENTERS OF COMMUNIST UNDERGROUND ACTIVITY. CARE MUST BE TAKEN NOT TO CONCLUDE AGREEMENTS WHICH WOULD ENABLE SOVIETS INTERFERE IN INTERNAL AFFAIRS OF WEST BERLIN AND IMPAIR CONSTITUTIONALLY GUARANTEED RIGHTS.

7. AS FAR AS WESTERN CONSENT TO HOLDING A SUMMIT CONFERENCE IS CONCERNED, A SO-CALLED STANDSTILL AGREEMENT WOULD BE NOT RPT NOT ONLY INSUFFICIENT BUT DOWNRIGHT DANGEROUS. IT SHOULD BE INSISTED THAT ALLIED RIGHTS IN WEST BERLIN BE CONFIRMED BY SOVIET UNION IN ORDER TO AVOID THAT NEGOTIATIONS AT POSSIBLE SUMMIT MEETING TAKE PLACE UNDER PRESSURE OF BERLIN THREAT.

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8. THESE POINTS REFLECT OPINION OF BERLIN SENAT AND OF  
CHAIRMEN BOTH PARTIES REPRESENTED IN BERLIN HOUSE OF DEPUTIES.

END TEST

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